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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Whaleco Inc.,

Plaintiff,

vs.

Jamya Arroyo; Soumen Halder, ABC
Corporations 1-36; and John Does 1-36,

Defendants.

Civil Case No.

VERIFIED COMPLAINT

PLAINTIFF'S VERIFIED COMPLAINT

Plaintiff Whaleco Inc. ("**Whaleco**" or "**Plaintiff**"), by its undersigned attorneys, alleges as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters. Under Fed. R. Civ. P. 65(b), the facts of this Complaint, as they pertain to Whaleco, are verified below.

NATURE OF THE CASE

1. This is an *in rem* action against the domain names listed in **Exhibit 1**, Jamya Arroyo, Soumen Halder, ABC Corporations 1-36, and John Does 1-36, for trademark counterfeiting, trademark infringement, trademark dilution, false designation of origin, and

1 unfair competition under the Lanham Act; trademark dilution under Arizona Statute Section
2 44-1448.01; and trademark infringement and unfair competition under Arizona common
3 law.

4 2. Whaleco brings this action because Jamya Arroyo, Soumen Halder, ABC
5 Corporations 1-36, and John Does 1-36 (collectively “**Defendants**”) are (a) using the
6 federally registered TEMU trademark, or variations thereof, to dupe or otherwise deceive
7 people into believing Defendants’ domain names and resultant websites are associated with,
8 endorsed by, or otherwise affiliated with Whaleco; (b) operating a redirect scheme whereby
9 Defendants’ domain names redirect unsuspecting consumers to websites that display,
10 without authorization, the federally registered TEMU trademark, or variations thereof;
11 and/or (c) using the Domain Names as part of a phishing campaign that uses, without
12 authorization, the TEMU Marks.¹

13 3. Defendants have registered the domain names listed in **Exhibit 1** in bad faith,
14 and are operating domain names and resultant websites that (a) directly utilize or display,
15 without authorization, Plaintiff’s registered TEMU marks, or other marks confusingly
16 similar thereto; (b) redirect consumers to websites that display, without authorization,
17 Plaintiff’s registered TEMU marks; and/or (c) use the TEMU marks as part of a phishing
18 campaign, all with the specific intent to trade off the goodwill associated with Plaintiff’s
19 registered TEMU mark and to confuse consumers and fraudulently profit from Plaintiff’s
20 trademark rights.

21 4. Consequently, the domains included at **Exhibit 1** should be immediately
22 canceled, disabled and/or transferred to Whaleco to protect the public and the goodwill that
23 Whaleco worked hard to successfully build in its marks and branding. Moreover, because
24 Defendants’ associated and resultant websites are being used to perpetuate a fraud harmful
25

26
27 ¹ Phishing is a fraudulent practice of sending some communication purporting to be from a
28 reputable company in order to induce individuals to take some action that results in the
individual being defrauded.

1 to consumers and irreparably damaging to Whaleco's reputation and goodwill, they should
2 also be immediately canceled and disabled.

3 **THE PARTIES**

4 5. Whaleco Inc. d/b/a Temu is a Delaware corporation with its principal place of
5 business at 31 Saint James Ave., Suite 355, Boston, Massachusetts 02116-4101.

6 6. Upon information and belief, Defendant Jamya Arroyo is a Massachusetts
7 resident who registered the Internet domain name concorporarius.com on June 5, 2023,
8 through the domain name registrar Namecheap and is targeting consumers nationwide.

9 7. Upon information and belief, Defendant Soumen Halder is the registered
10 owner of the Internet domain name instalacioneslyl.com which was registered with PDR
11 Ltd. d/b/a PublicDomainRegistry.com on December 4, 2023. Soumen Halder has a listed
12 address of Ramjibanpur, PO-RC Thakurani in Kolkata, India and an email address of
13 meneagard06@gmail.com. Upon information and belief, Defendant Soumen Halder
14 operates the Internet domain name instalacioneslyl.com and the resultant website to target
15 consumers in Arizona.

16 8. Defendant ABC Corporation 1 and/or John Doe 1 has registered and is using
17 offervault.com, an Internet domain name initially registered on April 11, 2007 through the
18 domain name registrar Namecheap, Inc. ABC Corporation 1 and/or John Doe 1 is using a
19 privacy service that shields their true identity. See **Exhibit 2**.

20 9. Defendant ABC Corporation 2 and/or John Doe 2 has registered and is using
21 livingway.uk.com, an Internet domain name registered on March 14, 2023, through the
22 domain name registrar Namecheap, Inc. ABC Corporation 2 and/or John Doe 2 is using a
23 privacy service that shields their true identity. See **Exhibit 2**.

24 10. Defendant ABC Corporation 3 and/or John Doe 3 has registered and is using
25 gjgarea.eu.com, an Internet domain name registered on June 12, 2023, through the domain
26 name registrar Namecheap, Inc. ABC Corporation 3 and/or John Doe 3 is using a privacy
27 service that shields their true identity. See **Exhibit 2**.

1 11. Defendants ABC Corporation 4 and/or John Doe 4 has registered and is using
2 accinate.com, an Internet domain name registered on March 16, 2023, through the domain
3 name registrar Namecheap, Inc. ABC Corporation 4 and/or John Doe 4 is using a privacy
4 service that shields their true identity. *See **Exhibit 2***.

5 12. Defendant ABC Corporation 5 and/or John Doe 5 has registered and is using
6 bureaty.com, an Internet domain name registered on April 17, 2023, through the domain
7 name registrar Namecheap, Inc. ABC Corporation 5 and/or John Doe 5 is using a privacy
8 service that shields their true identity. *See **Exhibit 2***.

9 13. Defendants ABC Corporation 6 and/or John Doe 6 has registered and is using
10 zindashmap.one, an Internet domain name registered on October 31, 2022, through the
11 domain name registrar Namecheap, Inc. ABC Corporation 6 and/or John Doe 6 is using a
12 privacy service that shields their true identity. *See **Exhibit 2***.

13 14. Defendants ABC Corporation 7 and/or John Doe 7 has registered and is using
14 sbarghatjbar.store, an Internet domain name registered on May 23, 2023, through the domain
15 name registrar Namecheap, Inc. ABC Corporation 7 and/or John Doe 7 is using a privacy
16 service that shields their true identity. *See **Exhibit 2***.

17 15. Defendants ABC Corporation 8 and/or John Doe 8 has registered and is using
18 seocler.com, an Internet domain name registered on September 27, 2022, through the domain
19 name registrar Namecheap, Inc. ABC Corporation 8 and/or John Doe 8 is using a privacy
20 service that shields their true identity. *See **Exhibit 2***.

21 16. Defendants ABC Corporation 9 and/or John Doe 9 has registered and is using
22 souksa.com, an Internet domain name registered on December 23, 2022, through the domain
23 name registrar Namecheap, Inc. ABC Corporation 9 and/or John Doe 9 is using a privacy
24 service that shields their true identity. *See **Exhibit 2***.

25 17. Defendants ABC Corporation 10 and/or John Doe 10 has registered and is using
26 individuct.org.uk, an Internet domain name registered on April 30, 2022, through the domain
27 name registrar Namecheap, Inc. ABC Corporation 10 and/or John Doe 10 is using a privacy
28 service that shields their true identity. *See **Exhibit 2***.

1 18. Defendants ABC Corporation 11 and/or John Doe 11 has registered and is using
2 sebestshop.com, an Internet domain name registered on October 3, 2023, through the domain
3 name registrar Namecheap, Inc. ABC Corporation 11 and/or John Doe 11 is using a privacy
4 service that shields their true identity. *See **Exhibit 2***.

5 19. Defendants ABC Corporation 12 and/or John Doe 12 has registered and is using
6 blizzardblog.co.uk, an Internet domain name registered on July 2, 2023, through the domain
7 name registrar Namecheap, Inc. ABC Corporation 12 and/or John Doe 12 is using a privacy
8 service that shields their true identity. *See **Exhibit 2***.

9 20. Defendants ABC Corporation 13 and/or John Doe 13 has registered and is using
10 herzoghof.com, an Internet domain name registered on September 27, 2023, through the
11 domain name registrar Namecheap, Inc. ABC Corporation 13 and/or John Doe 13 is using a
12 privacy service that shields their true identity. *See **Exhibit 2***.

13 21. Defendants ABC Corporation 14 and/or John Doe 14 has registered and is using
14 kuehnhomes.com, an Internet domain name registered on September 27, 2023, through the
15 domain name registrar Namecheap, Inc. ABC Corporation 14 and/or John Doe 14 is using a
16 privacy service that shields their true identity. *See **Exhibit 2***.

17 22. Defendants ABC Corporation 15 and/or John Doe 15 has registered and is using
18 hooksnet.com, an Internet domain name registered on November 6, 2023, through the
19 domain name registrar Namecheap, Inc. ABC Corporation 15 and/or John Doe 15 is using a
20 privacy service that shields their true identity. *See **Exhibit 2***.

21 23. Defendants ABC Corporation 16 and/or John Doe 16 has registered and is using
22 allyoureuro.co.uk, an Internet domain name registered on June 6, 2022, through the domain
23 name registrar Namecheap, Inc. ABC Corporation 16 and/or John Doe 16 is using a privacy
24 service that shields their true identity. *See **Exhibit 2***.

25 24. Defendants ABC Corporation 17 and/or John Doe 17 has registered and is using
26 gmutelwork.com, an Internet domain name registered on September 15, 2023, through the
27 domain name registrar Namecheap, Inc. ABC Corporation 17 and/or John Doe 17 is using a
28 privacy service that shields their true identity. *See **Exhibit 2***.

1 25. Defendants ABC Corporation 18 and/or John Doe 18 has registered and is using
2 intls.eu.com, an Internet domain name registered on October 29, 2023, through the domain
3 name registrar Namecheap, Inc. ABC Corporation 18 and/or John Doe 18 is using a privacy
4 service that shields their true identity. See **Exhibit 2**.

5 26. Defendants ABC Corporation 19 and/or John Doe 19 has registered and is using
6 tikpotkick.com, an Internet domain name registered on November 22, 2023, through the
7 domain name registrar Namecheap, Inc. ABC Corporation 19 and/or John Doe 19 is using a
8 privacy service that shields their true identity. See **Exhibit 2**.

9 27. Defendants ABC Corporation 20 and/or John Doe 20 has registered and is using
10 kbdrun.net, an Internet domain name registered on February 17, 2021, through the domain
11 name registrar Namecheap, Inc. ABC Corporation 20 and/or John Doe 20 is using a privacy
12 service that shields their true identity. See **Exhibit 2**.

13 28. Defendants ABC Corporation 21 and/or John Doe 21 has registered and is using
14 oftopsurvey.com, an Internet domain name registered on December 5, 2023, through the
15 domain name registrar Namecheap, Inc. ABC Corporation 21 and/or John Doe 21 is using a
16 privacy service that shields their true identity. See **Exhibit 2**.

17 29. Defendants ABC Corporation 22 and/or John Doe 22 has registered and is using
18 zibelring.ink, an Internet domain name registered on December 12, 2023, through the
19 domain name registrar Namecheap, Inc. ABC Corporation 22 and/or John Doe 22 is using a
20 privacy service that shields their true identity. See **Exhibit 2**.

21 30. Defendants ABC Corporation 23 and/or John Doe 23 has registered and is using
22 kodomaniacy.com, an Internet domain name registered on April 26, 2023, through the
23 domain name registrar Namecheap, Inc. ABC Corporation 23 and/or John Doe 23 is using a
24 privacy service that shields their true identity. See **Exhibit 2**.

25 31. Defendants ABC Corporation 24 and/or John Doe 24 has registered and is using
26 whichtopsurvey.com, an Internet domain name registered on December 5, 2023, through the
27 domain name registrar Namecheap, Inc. ABC Corporation 24 and/or John Doe 24 is using a
28 privacy service that shields their true identity. See **Exhibit 2**.

32. Defendants ABC Corporation 25 and/or John Doe 25 has registered and is using geschenke-de.online, an Internet domain name registered on December 6, 2023, through the domain name registrar Go Daddy, LLC. ABC Corporation 25 and/or John Doe 25 is using a privacy service that shields their true identity. *See **Exhibit 2***.

33. Defendants ABC Corporation 26 and/or John Doe 26 has registered and is using hotdeals.com, an Internet domain name registered on January 16, 1996, through the domain name registrar Go Daddy, LLC. ABC Corporation 26 and/or John Doe 26 is using a privacy service that shields their true identity. *See **Exhibit 2***.

34. Defendants ABC Corporation 27 and/or John Doe 27 has registered and is using educations.com.de, an Internet domain name most recently updated on December 17, 2023, upon information and belief, is hosted by Go Daddy, LLC. Upon information and belief, ABC Corporation 27 and/or John Doe 27 is using a privacy service that shields their true identity. *See **Exhibit 2***.

35. Defendants ABC Corporation 28 and/or John Doe 28 has registered and is using eticspin.com, an Internet domain name registered on December 11, 2023, through the domain name registrar Name.com, Inc. ABC Corporation 28 and/or John Doe 28 is using a privacy service that shields their true identity. *See **Exhibit 2***.

36. Defendants ABC Corporation 29 and/or John Doe 29 has registered and is using essentialdailyneed.net, an Internet domain name registered on May 22, 2023, through the domain name registrar Tucows Domains Inc. ABC Corporation 29 and/or John Doe 29 is using a privacy service that shields their true identity. *See **Exhibit 2***.

37. Defendants ABC Corporation 30 and/or John Doe 30 has registered and is using businessuniversitys.com, an Internet domain name registered on June 3, 2023, through the domain name registrar Internet Domain Service BS Corp. Upon information and belief, ABC Corporation 30 and/or John Doe 30 is using a privacy service that shields their true identity. *See **Exhibit 2***.

38. Defendants ABC Corporation 31 and/or John Doe 31 has registered and is using lucidtera.com, and Internet domain name registered on December 15, 2023, through the

1 domain name registrar Internet Domain Service BS Corp. ABC Corporation 31 and/or John
2 Doe 31 is using a privacy service that shields their true identity. See **Exhibit 2**.

3 39. Defendants ABC Corporation 32 and/or John Doe 32 has registered and is using
4 biogipuzkoa.top, and Internet domain name registered on August 3, 2023 through the domain
5 name registrar Namecheap, Inc. ABC Corporation 32 and/or John Doe 32 is using a privacy
6 service that shields their true identity. See **Exhibit 2**.

7 40. Defendants ABC Corporation 33 and/or John Doe 33 has registered and is using
8 valleyhospitalcure.com, an Internet domain name registered on November 24, 2022, through
9 the domain name registrar Dynadot Inc. ABC Corporation 33 and/or John Doe 33 is using a
10 privacy service that shields their true identity. See **Exhibit 2**.

11 41. Defendants ABC Corporation 34 and/or John Doe 34 has registered and is using
12 kljb-puerkwang.de, an Internet domain name that, upon information and belief, is hosted by
13 WorldStream B.V. Upon information and belief, ABC Corporation 34 and/or John Doe 34
14 is using a privacy service that shields their true identity. See **Exhibit 2**.

15 42. Defendants ABC Corporation 35 and/or John Doe 35 has registered and is using
16 list-manage.com, and Internet domain name registered on April 18, 2006, and renewed on
17 August 23, 2023, through the domain name registrar Gandi SAS. ABC Corporation 35
18 and/or John Doe 35 is using a privacy service that shields their true identity. See **Exhibit 2**.

19 43. Defendants ABC Corporation 36 and/or John Doe 36 has registered and is using
20 ev-trainingsolutions.com, an Internet domain name registered on June 9, 2023, through the
21 domain name registrar Cosmotown, Inc., ABC Corporation 36 and/or John Doe 36 is using
22 a privacy service that shields their true identity. See **Exhibit 2**.

23 44. ABC Corporation 1-36 and/or John Doe 1-36 are corporations or individuals of
24 unknown residence and citizenship. Whaleco does not know any of the identities or locations
25 for these defendants at this time and has been unable to discover them through reasonable due
26 diligence. Whaleco therefore sues ABC Corporations 1-36 and/or John Does 1-36 by fictitious
27 names and believes that each is an actual person or entity involved in the unlawful violation of
28 Whaleco's intellectual property rights and is legally responsible for the events and injury to

Whaleco alleged here. Whaleco will seek leave to amend this Complaint when the identities of ABC Corporations 1-36 and John Does 1-36 have been discovered and revealed.

JURISDICTION AND VENUE

45. This action arises under the federal Trademark Act, 15 U.S.C. § 1051, *et. seq.*, and under Arizona statutory and common law. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b).

46. This Court has *in rem* jurisdiction over the domains registered to ABC Corporations 1-27 and ABC Corporation 32, along with John Does 1-27 and John Doe 32 pursuant to 15 U.S.C. § 1125(d)(2)(A). Whaleco, through due diligence, has been unable to find a person or entity who would have been a defendant because the identity of the registrant of these domain names is concealed by privacy services. Accordingly, under 15 U.S.C. § 1125(d)(2)(C), because the registrars of the domain names—Namecheap and Go Daddy—are located in this District, the situs of the domains are in this District.

47. In accordance with 15 U.S.C. § 1125(d)(2)(A)(ii)(II), Whaleco will give notice of the violation of its rights and its intent to proceed *in rem* to the postal and e-mail addresses set forth in the WHOIS registration records for the domains.

48. Jamya Arroyo, ABC Corporations 1-24, ABC Corporation 32, John Does 1-24, and/or John Doe 32 consented to jurisdiction in this District when they entered the registration agreement with the domain name registrar Namecheap. *See Exhibit 3.*

49. This Court has general personal jurisdiction over Soumen Halder, ABC Corporations 25-36, and/or John Does 25-36 based on their continuous and systematic contacts with Arizona through deliberate and continuous marketing, distribution, and targeting of Arizona consumers using the domains at issue registered to Soumen Halder and each respective ABC Corporation and/or John Doe, all of which bear and display infringing TEMU Marks (as defined below).

50. This Court has general personal jurisdiction over Soumen Halder, ABC Corporations 25-36 and/or John Does 25-36 because these respective defendants have continuously and systematically solicited purchases, through either redirect spam clicking

schemes, phishing campaign, or other direct targeted advertising and solicitations, from paying Arizona residents while employing identical, or otherwise confusingly similar variations of, the TEMU Marks.

51. This Court, on information and belief, has specific personal jurisdiction over Jamya Arroyo, Soumen Halder, ABC Corporations 1-36 and/or John Does 1-36 because (1) the respective defendants have solicited purchases from paying consumers residing in Arizona through the use of the domains listed above and in **Exhibit 1**, along with each of the domains' respective, resultant websites that display the TEMU Marks without authorization; (2) the claims asserted herein arise from the respective defendants' aforementioned conduct and contacts; and (3) the exercise of personal jurisdiction is reasonable.

52. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and 15 U.S.C. § 1125(d)(2) because the properties—the domain names being used to engage in the unlawful conduct alleged here—are located in this District.

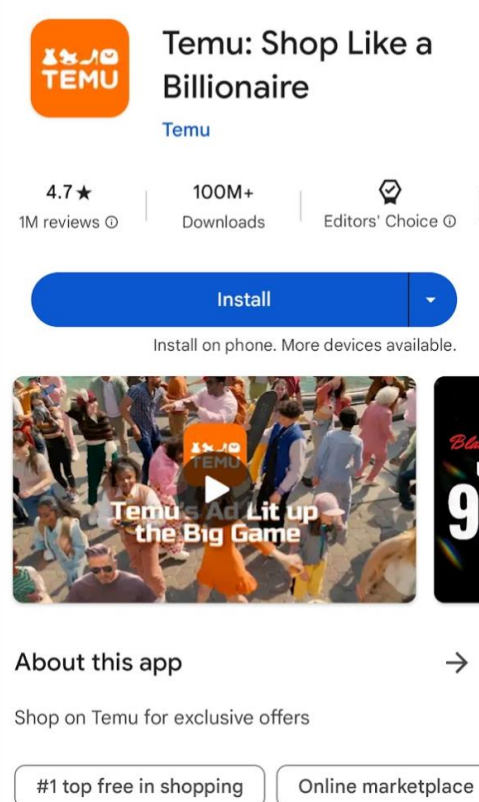
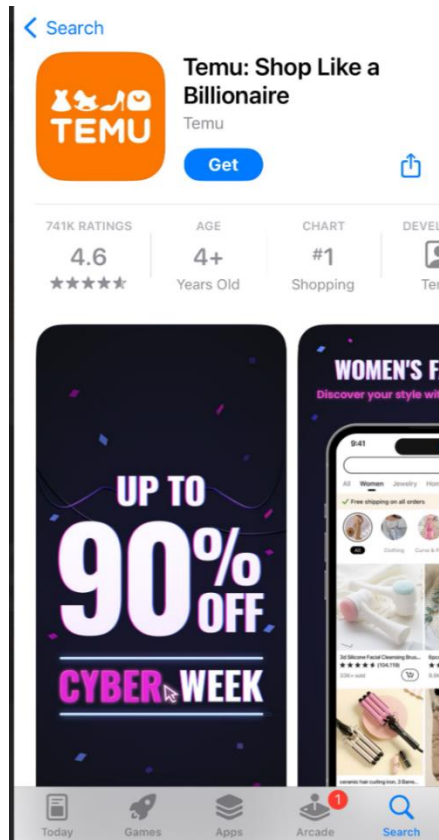
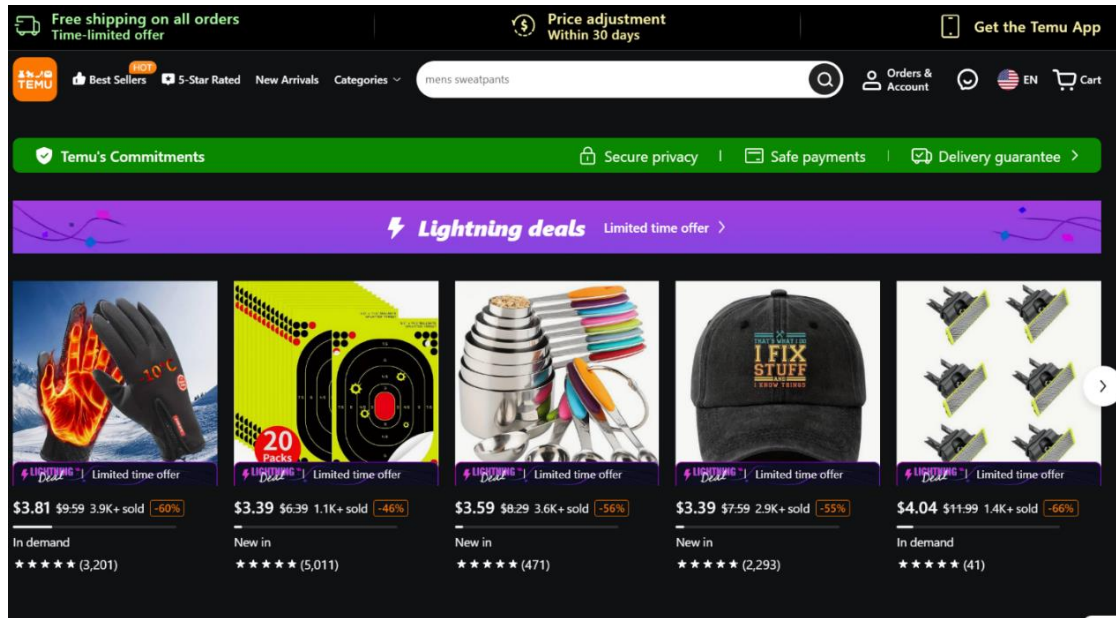
WHALECO'S SERVICES AND TEMU TRADEMARKS

53. Whaleco operates a closed-loop e-commerce platform that connects consumers with a vast array of affordable, quality products—including clothing, consumer goods, cosmetics, appliances, electronics, and more—with third-party sellers, manufacturers, and brands around the world (the “***TEMU Platform***”).

54. The TEMU Platform launched in the United States in September 2022 under the TEMU name and trademark, including in the logo format shown below (the “***TEMU Marks***”). Whaleco has used the TEMU Marks continuously since that time to identify the source and origin of its TEMU Platform and accompanying services.



55. The TEMU Platform is available online, aptly at www temu.com (screenshot below), and via the TEMU app, which is downloadable on both the Apple App Store and the Google Play Store (screenshots below).



56. Whaleco spends a substantial amount of money in marketing and promoting the TEMU Marks by working with key influencers and content creators, advertising on social media, and purchasing commercial ad spots, including its epic 2023 “Shop Like a Billionaire” Super Bowl ad (screenshots below), which has been viewed more than 895 million times. *See* **Exhibit 4**. According to one source, the 2023 Super Bowl was watched by over 115 million viewers in the United States, making it not only the most-watched Super Bowl in history, but also the most popular U.S. television program of all time. *See* **Exhibit 5**.







57. The TEMU Platform has enjoyed tremendous success in the U.S. market. Today, slightly more than one year after its launch, the TEMU app has surpassed 100 million downloads on the Google Play Store alone and has been one of the most downloaded free apps in both the Google Play Store and the Apple App Store. See Exhibit 6.

58. In addition to marketing, Whaleco's success is the result of its commitment to offering a quality shopping experience to its consumers on the TEMU Platform. Whaleco has invested, and continues to invest, a substantial amount of money in building an online infrastructure that is convenient and complete for sellers and consumers alike.

59. As a result of the extensive public exposure of the TEMU Marks and the enormous success of the TEMU Platform, the TEMU Marks have become well-known and embody the enormous goodwill that Whaleco has worked hard to build. Whaleco has been granted an exclusive license by Five Bells Limited, giving Whaleco the right and authority to use and enforce the TEMU Marks, including the following valid and subsisting U.S. trademark registrations, which cover a variety of online marketplace and shopping services:



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Mark	Reg. No. Reg. Date	Products/Services
	Reg. No. 7145476 08-22-2023	Provision of an online marketplace for buyers and sellers of goods and services in Class 35.
TEMU	Reg. No. 7157165 09-05-2023	Various downloadable software for online shopping in Class 9.
	Reg. No. 7157220 09-05-2023	Various downloadable software for online shopping in Class 9.
TEMU	Reg. No. 7164306 09-12-2023	Provision of an online marketplace for buyers and sellers of goods and services in Class 35.

Printouts of these registrations, taken from the U.S. Patent and Trademark Office's online database, are attached as **Exhibit 7**.

60. Whaleco is also the exclusive licensee authorized to use and enforce the following federal trademark applications owned by Five Bells Limited for the TEMU trademark and logo covering a variety of services in Classes 35, 36, 38, 39, 41, 42, and 45:

Mark	Serial No. App. Date	Products/Services
TEMU	Serial No. 97543570 08-10-2022	Among other things, Software as a service (SAAS) services featuring software for online shopping in Class 42.
TEMU	Serial No. 97543542 08-10-2022	Among other things, advertising and marketing services in Class 35.

Mark	Serial No. App. Date	Products/Services
TEMU	Serial No. 97543555 08-10-2022	Various transmission services in Class 38.
	Serial No. 97575694 09-01-2022	Various transmission services in Class 38.
	Serial No. 97575712 09-01-2022	Among other things, Software as a service (SAAS) services featuring software for online shopping in Class 42.
TEMU	Serial No. 97736381 12-29-2022	Various banking and bill payment services in Class 36.
TEMU	Serial No. 97736385 12-29-2022	Various services for the transportation of goods in Class 39.
TEMU	Serial No. 97736391 12-29-2022	Various entertainment services in Class 41.

Mark	Serial No. App. Date	Products/Services
TEMU	Serial No. 97736396 12-29-2022	Various services, including online social networking services, for the purpose of online shopping in Class 45.
	Serial No. 97736411 12-29-2022	Various banking and bill payment services in Class 36.
	Serial No. 97736419 12-29-2022	Various services for the transportation of goods in Class 39.
	Serial No. 97736428 12-29-2022	Various entertainment services in Class 41.
	Serial No. 97736435 12-29-2022	Various services, including online social networking services, for the purpose of online shopping in Class 45.

Mark	Serial No. App. Date	Products/Services
TEMU	Serial No. 97889848 04-14-2023	Online retail store services and provision of an online marketplace for buyers and sellers of goods and services in Class 35.

Printouts of these applications, taken from the U.S. Patent and Trademark Office's online database, are attached as **Exhibit 8**.

**THE INFRINGING DOMAIN NAMES AND
DEFENDANTS' ASSOCIATED WEBSITES**

61. Concorporarius.com; offervault.com; livingway.uk.com; gjgarea.eu.com; accinate.com; bureaty.com; zindashmap.one; sbarghatjbar.store; seocler.com; souksa.com; individuct.org.uk; sebestshop.com; blizzardblog.co.uk; herzoghof.com; kuehnhomes.com; hooksnet.com; allyoureuro.co.uk; gmutelework.com; intl.eu.com; tikpotkick.com; kbdrun.net; oftopsurvey.com; zibelring.ink; whichtopsurvey.com; biogipuzkoa.top, and kodomaniacy.com are Internet domain names at issue in this Verified Complaint that (a) all share the same domain name registrar, namely, Namecheap Inc.; (b) all but one employ the use of a privacy service, and (c) all display, without authorization, the TEMU Marks on the domain names' resultant websites in violation of Plaintiff's well-established trademark rights.

62. There are additional Internet domain names at issue in this Verified Complaint. Geschenke-de.online; educations.com.de; and hotdeals.com are all (a) registered with the same domain name registrar, namely, Go Daddy LLC; (b) employ the use of a privacy service; and (c) display, without authorization, the TEMU Marks on the domain names' resultant websites in violation of Plaintiff's well-established trademark rights.

63. Kljb-puerkwang.de is an additional Internet domain name at issue in this Verified Complaint which, as referenced above, (a) appears to be hosted with WorldStream B.V.; (b) employs the use of a privacy service; and (c) displays, without authorization, the

1 TEMU Marks on the domain name's resultant website, in violation of Plaintiff's well-
2 established trademark rights.

3 64. Valleyhospitalcure.com is an additional Internet domain name at issue in this
4 Verified Complaint which, as referenced above, is registered with Dynadot Inc., employs
5 the use of a privacy service, and displays, without authorization, the TEMU Marks on the
6 domain name's resultant website, in violation of Plaintiff's well-established trademark
7 rights.

8 65. Businessuniversitys.com and lucidtera.com are additional Internet domain
9 names at issue in this Verified Complaint which (a) are all registered with Internet Domain
10 Service BS Corp.; (b) employ the use of a privacy service; and (c) display, without
11 authorization, the TEMU Marks on the domain names' resultant websites, in violation of
12 Plaintiff's well-established trademark rights.

13 66. list-manage.com is an additional Internet domain name at issue in this Verified
14 Complaint which, as referenced above, is registered with Gandi SAS, employs the use of a
15 privacy service, and displays, without authorization, the TEMU Marks on the domain name's
16 resultant website, in violation of Plaintiff's well-established trademark rights.

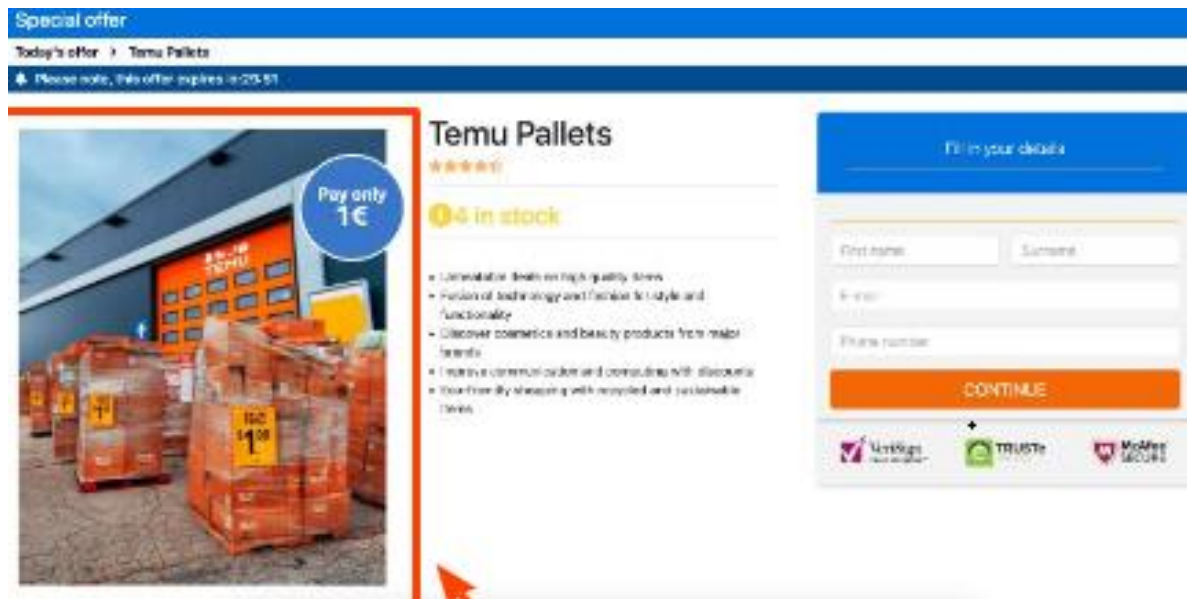
17 67. Ev-trainingsolutions.com is an additional Internet domain name at issue in this
18 Verified Complaint which, as referenced above, is registered with Cosmotown, Inc.,
19 employs the use of a privacy service, and displays, without authorization, the TEMU Marks
20 on the domain name's resultant website, in violation of Plaintiff's well-established
21 trademark rights.

22 68. Instalacioneslyl.com is an additional Internet domain name at issue in this
23 Verified Complaint which, as referenced above, is registered with the Internet domain
24 registrar PDR Ltd. d/b/a PublicDomainRegistry.com, by Soumen Halder, is an individual
25 with an address of Ramjibanpur, PO- RC Thakurani, Kolkata, West Bengal. Soumen Halder
26 displays, without authorization, the TEMU Marks on the domain name's resultant website,
27 in violation of Plaintiff's well-established trademark rights.
28

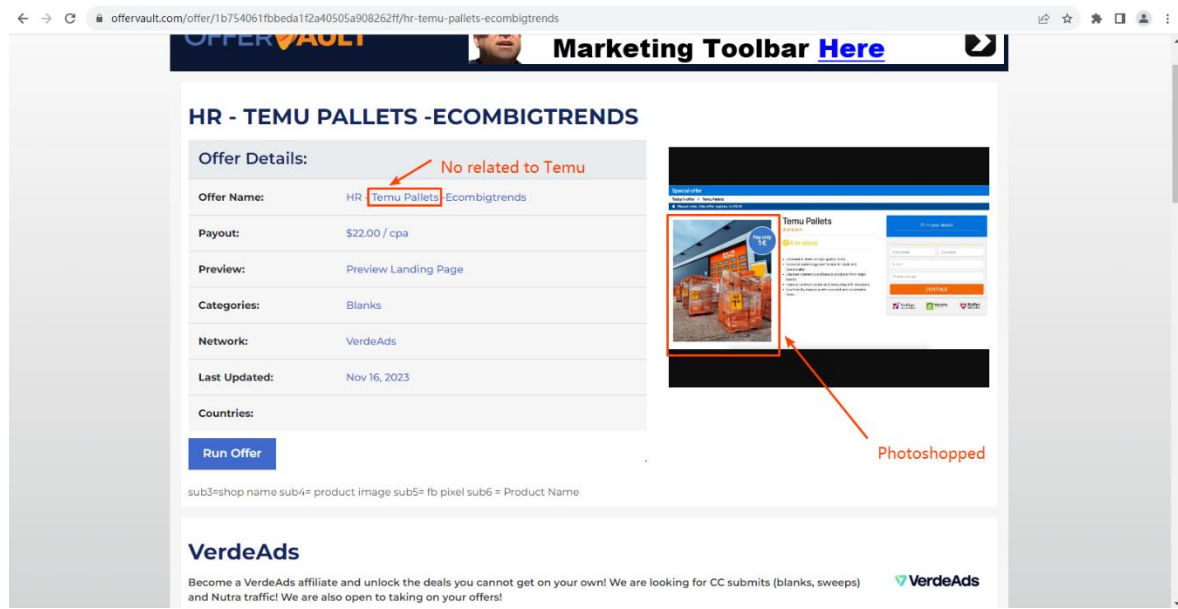
69. Eticspin.com is an additional Internet domain name at issue in this Verified Complaint which, as referenced above, is registered with Name.com, Inc., employs the use of a privacy service, and displays, without authorization, the TEMU Marks on the domain name's resultant website, in violation of Plaintiff's well-established trademark rights.

70. Essentialdailyneed.net is an additional Internet domain name at issue in this Verified Complaint which, as referenced above, is registered with Tucows Domains Inc., employs the use of a privacy service, and displays, without authorization, the TEMU Marks on the domain name's resultant website, in violation of Plaintiff's well-established trademark rights.

71. Defendants ABC Corporation 1 and/or John Doe 1 registered the domain name offervault.com which hosts content that displays, without authorization, the TEMU Marks. The website purports to offer TEMU-branded goods to the public, namely, "TEMU Pallets" for as low as "1 Euro" (screenshot below). See **Exhibit 9**.



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72. ABC Corporation 1 and/or John Doe 1 is using the domain name offerervault.com, along with its resultant website, for illegitimate and illegal commercial purposes in order to capitalize on Plaintiff's established goodwill and brand recognition, as an effort to lure consumers to its website and then entice such consumers to make purchases of purported products offered under the TEMU Marks. ABC Corporation 1 and/or John Doe 1 is using the TEMU Marks in their entirety, or using variations thereof, as a way to suggest connection with or endorsement by Plaintiff, if not to outright impersonate Plaintiff and deceive visitors into believing it is Plaintiff's own website.

73. ABC Corporations 2-9 and/or John Does 2-9 each individually registered the respective domain names livingway.uk.com; gjgarea.eu.com; accinate.com; bureaty.com; zindashmap.one; sbarghatjbar.store; seocler.com; and souksa.com which all host content that displays, without authorization, the TEMU Marks. Each respective website purports to offer TEMU-branded goods to the public.

74. ABC Corporations 2-9 and/or John Does 2-9 employ the use of a redirect scheme whereby unsuspecting consumers, when presented with links to each domain in phishing campaigns or in other commercial solicitations such as direct advertising, are taken to websites that display, without authorization, the TEMU Marks in association with various

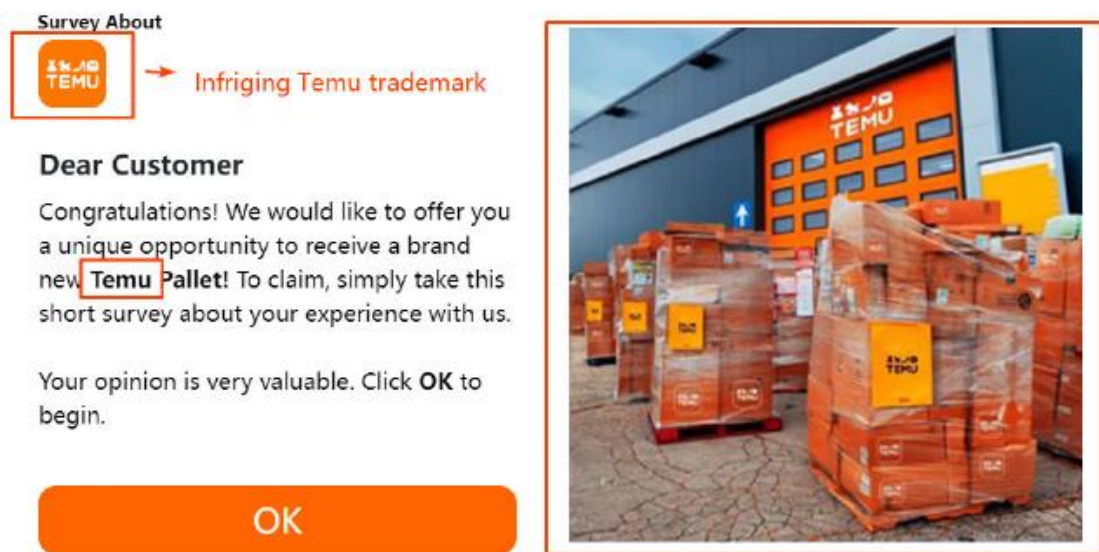
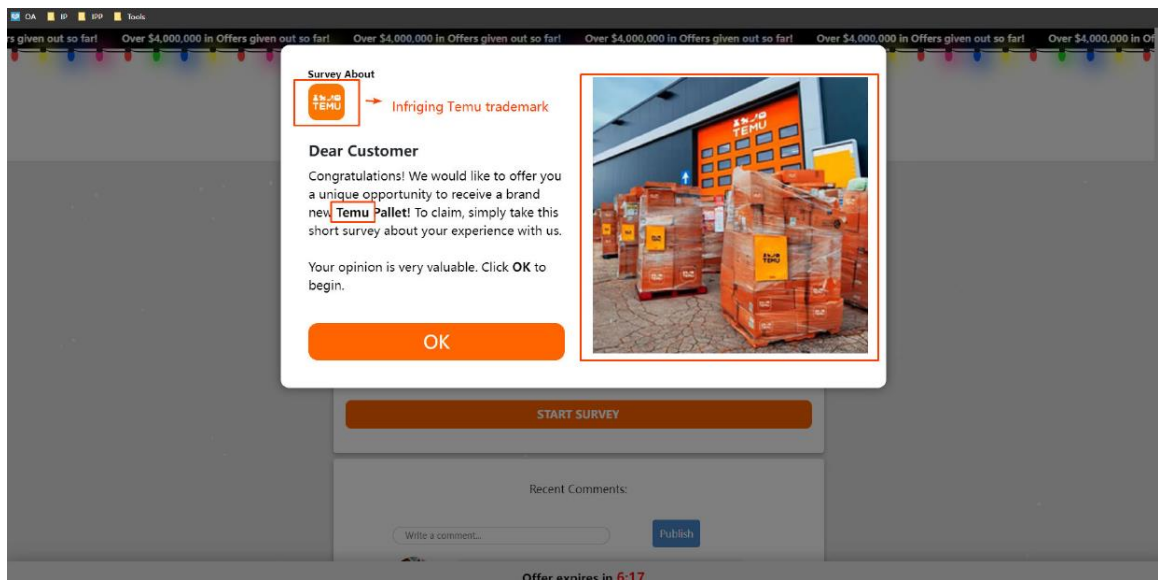
1 goods confusingly similar to those offered by Plaintiff. One such website is sebestshop.com
2 owned by ABC Corporation 11 and/or John Doe 11. *See **Exhibit 9***.

3 75. ABC Corporations 2-9 and/or John Does 2-9 are using their respective domain
4 names, along with their respective resultant websites, for illegitimate and illegal commercial
5 purposes, such as phishing campaigns, in order to capitalize on Plaintiff's established
6 goodwill and brand recognition, as an effort to lure consumers to its website and then entice
7 such consumers to make purchases of purported products offered under the TEMU Marks.
8 ABC Corporations 2-9 and/or John Does 2-9 are using the TEMU Marks in their entirety, or
9 using variations thereof, as a way to suggest connection with or endorsement by Plaintiff, if
10 not to outright impersonate Plaintiff and deceive visitors into believing it is Plaintiff's own
11 website. *See **Exhibit 9***.

12 76. ABC Corporation 10 and/or John Doe 10 is using the domain name
13 inviduct.org.uk, along with its resultant website, for illegitimate and illegal commercial
14 purposes in order to capitalize on Plaintiff's established goodwill and brand recognition, as
15 an effort to lure consumers to its website and then entice such consumers to make purchases
16 of purported products offered under the TEMU Marks. ABC Corporation 10 and/or John Doe
17 10 is using the TEMU Marks in their entirety, or using variations thereof, as a way to suggest
18 connection with or endorsement by Plaintiff, if not to outright impersonate Plaintiff and
19 deceive visitors into believing it is Plaintiff's own website.

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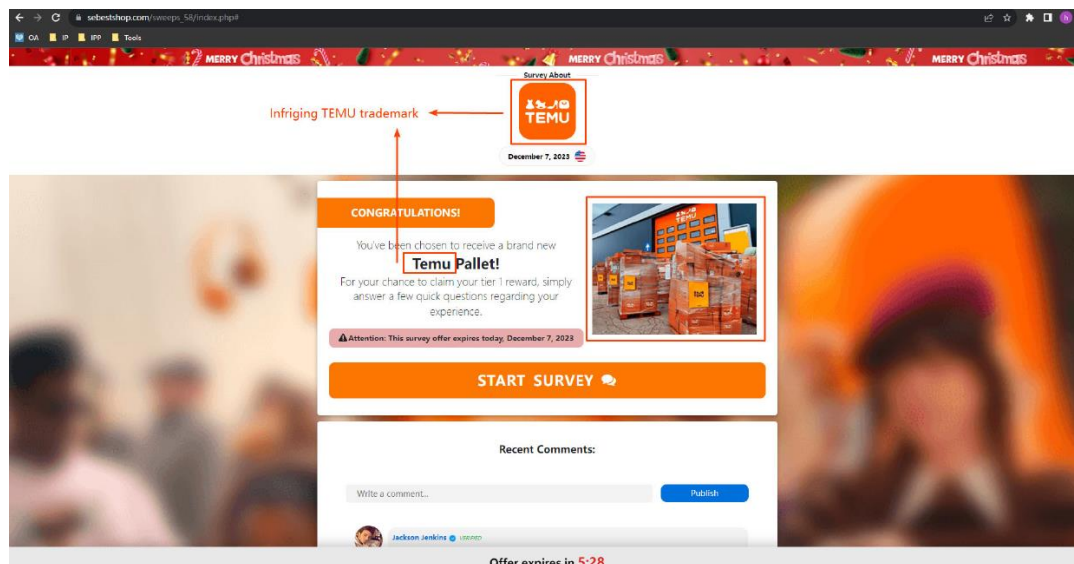
77. ABC Corporation 10 and/or John Doe 10 employs the use of a redirect scheme whereby unsuspecting consumers, when presented with links to each domain in phishing campaigns or in other commercial solicitations such as direct advertising, are taken to websites that display, without authorization, the TEMU Marks in association with various goods confusingly similar to those offered by Plaintiff. (screenshot below). The redirect scheme also presents consumers with opportunities to take purported “surveys” whereby consumers input personal information on the expected belief they will have an “opportunity to receive a brand new TEMU Pallet.” See also Exhibit 9.



78. ABC Corporation 11 and/or John Doe 11 is using the domain name sebestshop.com, along with its resultant website, for illegitimate and illegal commercial purposes in order to capitalize on Plaintiff's established goodwill and brand recognition, as an effort to lure consumers to its website and then entice such consumers to make purchases of purported products offered under the TEMU Marks. ABC Corporation 11 and/or John Doe 11 is using the TEMU Marks in their entirety, or using variations thereof, as a way to suggest connection with or endorsement by Plaintiff, if not to outright impersonate Plaintiff and deceive visitors into believing it is Plaintiff's own website (screenshot below). *See also Exhibit 9.*

79. ABC Corporations 12-18 and/or John Does 12-18 each individually registered the respective domain names blizzardblog.co.uk; herzoghof.com; kuehnhomes.com; hooksnet.com; allyoureuro.co.uk; gmutelwork.com; and intl.eu.com which all host content that displays, without authorization, the TEMU Marks. Each respective website purports to offer TEMU-branded goods to the public.

80. ABC Corporations 12-18 and/or John Does 12-18 employ the use of a redirect scheme whereby unsuspecting consumers, when presented with links to each domain in phishing campaigns or in other commercial solicitations such as direct advertising, are taken to websites that display, without authorization, the TEMU Marks in association with various



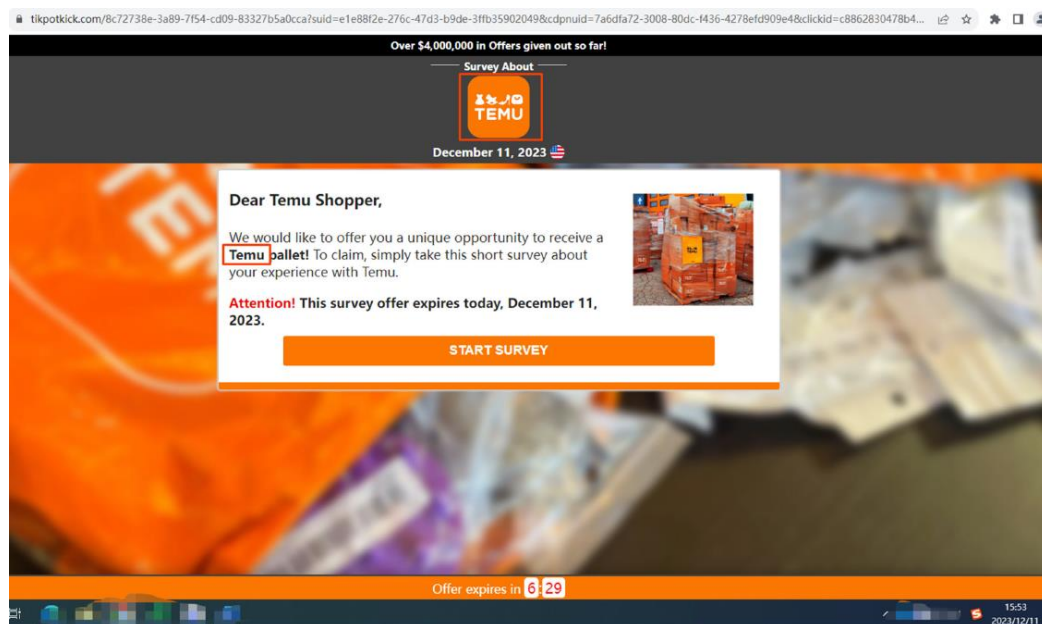
1 goods confusingly similar to those offered by Plaintiff. One such website is sebestshop.com,
2 which is owned by ABC Corporation 11 and/or John Doe 11. *See **Exhibit 9***.

3 81. ABC Corporations 12-18 and/or John Does 12-18 are using their respective
4 domain names, along with their respective resultant websites, for illegitimate and illegal
5 commercial purposes, such as phishing campaigns, in order to capitalize on Plaintiff's
6 established goodwill and brand recognition, as an effort to lure consumers to its website and
7 then entice such consumers to make purchases of purported products offered under the TEMU
8 Marks. ABC Corporations 12-18 and/or John Does 12-18 are using the TEMU Marks in their
9 entirety, or using variations thereof, as a way to suggest connection with or endorsement by
10 Plaintiff, if not to outright impersonate Plaintiff and deceive visitors into believing it is
11 Plaintiff's own website. *See **Exhibit 9***.

12 82. ABC Corporation 19 and/or John Doe 19 is using the domain name
13 tikpotkick.com, along with its resultant website, for illegitimate and illegal commercial
14 purposes in order to capitalize on Plaintiff's established goodwill and brand recognition, as
15 an effort to lure consumers to its website and then entice such consumers to make purchases
16 of purported products offered under the TEMU Marks. ABC Corporation 19 and/or John Doe
17 19 is using the TEMU Marks in their entirety, or using variations thereof, as a way to suggest
18 connection with or endorsement by Plaintiff, if not to outright impersonate Plaintiff and
19 deceive visitors into believing it is Plaintiff's own website. *See **Exhibit 9***.

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83. ABC Corporation 19 and/or John Doe 19 employs the use of a redirect scheme whereby unsuspecting consumers, when presented with links to each domain in phishing campaigns or in other commercial solicitations such as direct advertising, are taken to websites that display, without authorization, the TEMU Marks in association with various goods confusingly similar to those offered by Plaintiff. (screenshot below). The redirect scheme also presents consumers with opportunities to take purported “surveys” whereby consumers input personal information on the expected belief they will have an opportunity to receive a brand new TEMU Pallet. *See also Exhibit 9.*

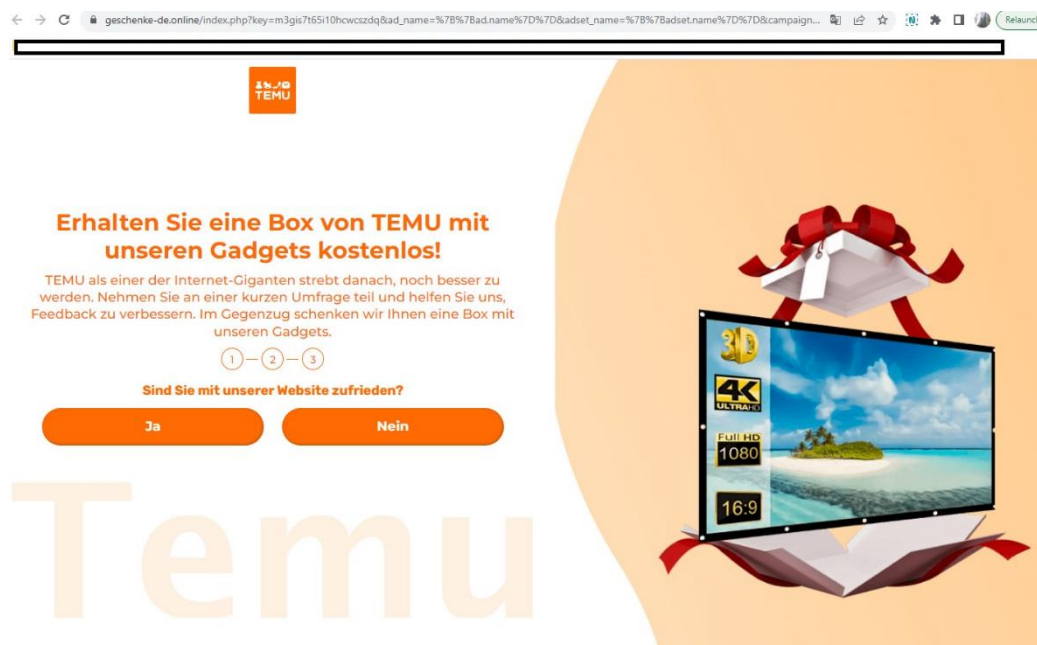


84. ABC Corporations 20-24 each individually registered the respective domain names kbdrun.net; oftopsurvey.com; zibelring.ink; kodomaniacy.com; and whichtopsurvey.com, which all host content that displays, without authorization, the TEMU Marks. Each respective website purports to offer TEMU-branded goods to the public

85. ABC Corporations 20-24 and/or John Does 20-24 employ the use of a redirect scheme whereby unsuspecting consumers, when presented with links to each domain in phishing campaigns or in other commercial solicitations such as direct advertising, are taken to websites that display, without authorization, the TEMU Marks in association with various goods confusingly similar to those offered by Plaintiff. Many of these domains internally redirect to zibelring.ink, owned by ABC Corporation 22 and/or John Doe 22. *See Exhibit 9.*

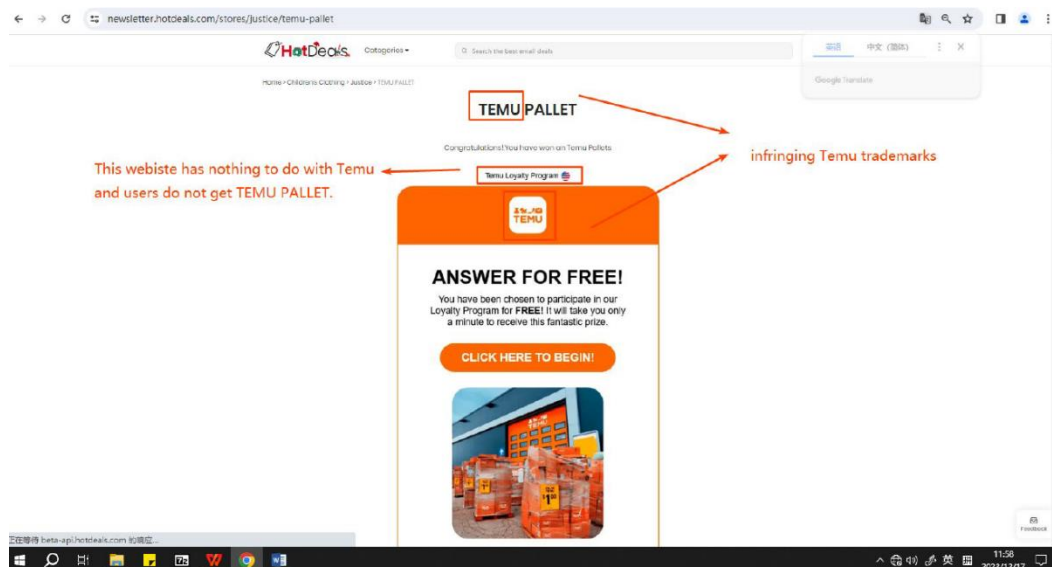
86. ABC Corporations 20-24 and/or John Does 20-24 are using their respective domain names, along with their respective resultant websites, for illegitimate and illegal commercial purposes, such as phishing campaigns, in order to capitalize on Plaintiff's established goodwill and brand recognition, as an effort to lure consumers to its website and then entice such consumers to make purchases of purported products offered under the TEMU Marks. ABC Corporations 20-24 and/or John Does 20-24 are using the TEMU Marks in their entirety, or using variations thereof, as a way to suggest connection with or endorsement by Plaintiff, if not to outright impersonate Plaintiff and deceive visitors into believing it is Plaintiff's own website. *See Exhibit 9.*

87. ABC Corporation 25 and/or John Doe 25 is using the domain name geschenke-de.online, along with its resultant website, for illegitimate and illegal commercial purposes in order to capitalize on Plaintiff's established goodwill and brand recognition, as an effort to lure consumers to its website where it offers goods under the TEMU Marks. ABC Corporation 25 and/or John Doe 25 is using the TEMU Marks in their entirety, or using variations thereof, as a way to suggest connection with or endorsement by Plaintiff, if not to outright impersonate Plaintiff and deceive visitors into believing it is Plaintiff's own website.



88. ABC Corporation 25 and/or John Doe 25 employs the use of the TEMU Marks so that unsuspecting consumers, when presented with links to each domain in phishing campaigns or in other commercial solicitations such as direct advertising, are taken to websites that display, without authorization, the TEMU Marks in association with various goods confusingly similar to those offered by Plaintiff. (screenshot below). The redirect scheme also presents consumers with opportunities to take purported “surveys” whereby consumers input personal information on the expected belief they will receive corresponding consideration. *See also* **Exhibit 9**.

89. ABC Corporation 26 and/or John Doe 26 is using the domain name hotdeals.com, along with its resultant website, for illegitimate and illegal commercial purposes in order to capitalize on Plaintiff’s established goodwill and brand recognition, as an effort to lure consumers to its website where it offers goods under the TEMU Marks. ABC Corporation 26 and/or John Doe 26 is using the TEMU Marks in their entirety, or using variations thereof, as a way to suggest connection with or endorsement by Plaintiff, if not to outright impersonate Plaintiff and deceive visitors into believing it is Plaintiff’s own website.



90. ABC Corporation 26 and/or John Doe 26 also employs the use of a redirect scheme whereby unsuspecting consumers, when presented with links to each domain in phishing campaigns or in other commercial solicitations such as direct advertising, are taken

1 to websites that display, without authorization, the TEMU Marks in association with various
2 goods confusingly similar to those offered by Plaintiff. The redirect scheme also presents
3 consumers with opportunities to take purported “surveys” (such as one located on
4 zibelring.ink) whereby consumers input personal information on the expected belief they
5 will have an opportunity to receive a brand new TEMU Pallet. *See also* **Exhibit 9**.

6 91. ABC Corporations 27-36 and/or John Does 27-36 each individually registered
7 the respective domain names, namely, educations.come.de; eticspin.com;
8 essentialdailyneed.net; businessuniversitys.com; lucidtera.com; valleyhospitalcure.com;
9 biogipuzkoa.top; kljb-puerkwang.de; list-manage.com; and ev-trainingsolutions.com which
10 all host content that displays, without authorization, the TEMU Marks. Each respective
11 website purports to offer TEMU-branded goods to the public.

12 92. ABC Corporations 27-36 and/or John Does 27-36 employ the use of a redirect
13 scheme whereby unsuspecting consumers, when presented with links to each domain in
14 phishing campaigns or in other commercial solicitations such as direct advertising, are taken
15 to websites that display, without authorization, the TEMU Marks in association with various
16 goods confusingly similar to those offered by Plaintiff. Two such internal websites are
17 sebestshop.com owned by ABC Corporation 11 and/or John Doe 11 and zibelring.ink,
18 owned by ABC Corporation 22 and/or John Doe 22. *See* **Exhibit 9**.

19 93. ABC Corporations 27-36 and/or John Does 27-36 are using their respective
20 domain names, along with their respective resultant websites, for illegitimate and illegal
21 commercial purposes, such as phishing campaigns, in order to capitalize on Plaintiff’s
22 established goodwill and brand recognition, as an effort to lure consumers to its website and
23 then entice such consumers to make purchases of purported products offered under the
24 TEMU Marks. ABC Corporations 27-36 and/or John Does 27-36 are using the TEMU Marks
25 in their entirety, or using variations thereof, as a way to suggest connection with or
26 endorsement by Plaintiff, if not to outright impersonate Plaintiff and deceive visitors into
27 believing it is Plaintiff’s own website. *See* **Exhibit 9**.

1 94. Defendant Jamya Arroyo is using the domain name concorporarius.com, along
2 with its resultant website, for illegitimate and illegal commercial purposes in order to
3 capitalize on Plaintiff's established goodwill and brand recognition, as an effort to lure
4 consumers to its website where it offers goods under the TEMU Marks. Jamya Arroyo is
5 using the TEMU Marks in their entirety, or using variations thereof, as a way to suggest
6 connection with or endorsement by Plaintiff, if not to outright impersonate Plaintiff and
7 deceive visitors into believing it is Plaintiff's own website.

8 95. Defendant Jamya Arroyo employs the use of a redirect scheme whereby
9 unsuspecting consumers, when presented with links to each domain in phishing campaigns
10 or in other commercial solicitations such as direct advertising, are taken to websites that
11 display, without authorization, the TEMU Marks in association with various goods
12 confusingly similar to those offered by Plaintiff. Two such internal websites are
13 sebestshop.com owned by ABC Corporation 11 and/or John Doe 11 and zibelring.ink,
14 owned by ABC Corporation 22 and/or John Doe 22. See **Exhibit 9**.

15 96. Defendant Soumen Halder is likewise using the domain name
16 instalacioneslyl.com, along with its resultant website, for illegitimate and illegal commercial
17 purposes in order to capitalize on Plaintiff's established goodwill and brand recognition, as
18 an effort to lure consumers to its website where it offers goods under the TEMU Marks.
19 Soumen Halder is using the TEMU Marks in their entirety, or using variations thereof, as a
20 way to suggest connection with or endorsement by Plaintiff, if not to outright impersonate
21 Plaintiff and deceive visitors into believing it is Plaintiff's own website.

22 97. Defendant Soumen Halder employs the use of a redirect scheme whereby
23 unsuspecting consumers, when presented with links to each domain in phishing campaigns
24 or in other commercial solicitations such as direct advertising, are taken to websites that
25 display, without authorization, the TEMU Marks in association with various goods
26 confusingly similar to those offered by Plaintiff. Two such internal websites are
27 sebestshop.com owned by ABC Corporation 11 and/or John Doe 11 and zibelring.ink,
28 owned by ABC Corporation 22 and/or John Doe 22. See **Exhibit 9**.

98. Plaintiff declares that the Defendants' collective and individual use of the TEMU Marks in connection with each respective domain name and website is unauthorized.

The image shows two screenshots from a web browser. The top screenshot is titled "Sweepstakes - Official Rules" and contains the following text:

NO PURCHASE OR PAYMENT OF ANY KIND IS NECESSARY TO ENTER OR WIN THIS SWEEPSTAKES. THE \$179.84 PURCHASE OF ANY SERVICES HEREIN WILL NOT IMPROVE YOUR CHANCE OF WINNING. BY ENTERING, YOU AGREE TO THESE OFFICIAL RULES, WHICH ARE A BINDING CONTRACT, SO READ THEM CAREFULLY BEFORE ENTERING. WITHOUT LIMITATION, THIS CONTRACT INCLUDES INDEMNITIES AND LIMITATION OF RIGHTS AND REMEDIES

PROMOTION DESCRIPTION:

The TEMU Pallets Giveaway Sweepstakes ("Sweepstakes") begins on the 1st of every month at 12:01am EST and ends on the last day of the month at 11:59pm EST (the "Promotion Period").

The sponsor of this Sweepstakes is TEMU Pallets ("Sponsor"). By participating in the Sweepstakes, each Entrant unconditionally accepts and agrees to comply with and abide by these Official Rules and the decisions of Sponsor, which shall be final and binding in all respects. Sponsor is responsible for the collection, submission or processing of Entries and the overall administration of the Sweepstakes. Entrants should look solely to Sponsor with any questions, comments or problems related to the Sweepstakes. Sponsor may be reached by email at support@prizecheckoutcentral.com during the Promotion Period.

HOW TO ENTER:

To enter the Sweepstakes at no cost, email your name, address, and phone number to support@prizecheckoutcentral.com (the "Sweepstakes Email") during the Entry Period. If you choose to submit your Entry via your web-enabled mobile device, data rates may apply. See your wireless service provider for details on rates and capabilities. A random drawing for potential winners will take place the 2nd week of the following month after the prior months sweepstake contest has ended. Odds of winning depend on the number of eligible entries received and are equal regardless of method of entry. No purchase or payment of any kind is necessary to enter or win this Sweepstakes and purchase of any merchandise or services does not improve odds of winning. Any entry forms received after 11:59 pm PST on last day of each calendar month will not be eligible for that Entry Period and rolled over to the next months drawing. All Entries become the property of the Sponsor and may not be acknowledged. LIMIT ONE ENTRY PER PERSON.

Automated or robotic Entries submitted by individuals or organizations will be disqualified. Internet entry must be made by the Entrant. Any attempt by Entrant to obtain more than the stated number of Entries by using multiple/different email addresses, identities, registrations, logins or any other methods, including, but not limited to, commercial contests/sweepstakes subscription notification and/or entering services, will void Entrant's Entries and that Entrant may be disqualified. Final eligibility for the award of any prize is subject to eligibility verification as set forth below. All Entries must be posted by the end of the Promotion Period in order to participate. Sponsor's database clock will be the official timekeeper for this Sweepstakes.

The bottom screenshot is a "Secure payment" page for a purchase of \$1.99. It includes a "1. Information" section with fields for First Name, Last Name, E-mail, Phone No., Postal Code, Street Address, City, and State. Below these are fields for Cardholder name, Card number (0000 0000 0000 0000), Month, Year, and CVV. The page also features a "What our customers say" section with a 5-star rating and a testimonial: "I have never spent my money so well. Great service and delivery ... Guess I got lucky this time! See you next time". The "Order Summary" shows an "Order total" of "\$1.99". At the bottom, there are logos for Visa Electron, Visa, and Mastercard, and a "Secure payment" button.

The Defendants are not related to, affiliated with, endorsed by, nor otherwise associated with Plaintiff, nor has Plaintiff granted to the Defendants any permission or license to use the TEMU Marks. Contrary to consumers' understanding that they would receive a "TEMU Pallet" for free or at a low price, they actually entered into a subscription agreement and will be charged a significant amount every month.

1 99. Upon information and belief, Jamya Arroyo, Soumen Halder, ABC
2 Corporations 1-36 and John Does 1-36 employ the use of third-party payment processors,
3 including Visa and Mastercard, to profit from their deceptive consumer practices and the
4 unauthorized use of Plaintiff's well-established trademark rights.

5 100. Plaintiff alleges that ABC Corporations 19, 22, 23, 26, 28, 30, 31, 32, and 33;
6 John Does 19, 22, 23, 26, 28, 30, 31, 32, and 33, and Soumen Halder all employ the use of
7 Visa and Mastercard to obtain payments from unsuspecting consumers.

8 101. By using domain names that (a) resolve to websites that display the TEMU
9 Marks in their entirety in association with goods and/or services that are confusingly similar
10 to those offered by Plaintiff under the TEMU Marks; (b) are utilized as part of deceptive
11 phishing campaigns that employ the use of the TEMU Marks to generate consumer
12 confusion; and/or (c) are used in connection with redirect schemes so that consumers are
13 induced to enter personal information as part of consumer surveys with no corresponding
14 consideration, Defendants' collective and individual actions are calculated to trade off
15 Plaintiff's trademark rights, reputation, and goodwill.

16 102. Plaintiff is concerned that Defendants' unauthorized registration and use of the
17 domain names, along with their resultant websites, are actions that will confuse consumers
18 and damage Plaintiff's brand.

19 103. Defendant's unauthorized registration and use of the domain names, along
20 with their resultant websites and the utilization of payment processing mechanisms, are
21 actions that have confused consumers and damaged Plaintiff's brand.

22 104. Based on similarities identified within the infringing website content, the
23 similarities in the type and style of infringing conduct, and the fact that nearly all of the
24 domain names addressed above were registered within a short time period, nearly all with
25 the same registrar and all but one using a privacy service, Plaintiff believes all of the
26 Defendants (Defendants Jamya Arroyo, Soumen Halder, ABC Corporations 1-36 and John
27 Does 1-36) are the same person or entity, are related persons or entities, and/or are working
28 in concert with one another. As described above, many of the websites redirect to one another

1 and/or host identical content. Further still, Defendants all demonstrate a willful and knowing
2 disregard for Whaleco's intellectual property rights by blatantly copying Whaleco's TEMU
3 Marks for use within its/their unlawful, misleading, and fraudulent schemes and sites.

4 **INJURY TO WHALECO**

5 105. The unauthorized use of the TEMU Marks on each respective website
6 associated with the domain names at issue will likely cause confusion, mistake, and
7 deception as to the source or origin of Defendants and/or their activities with Whaleco.

8 106. Defendants' phishing campaigns, which are associated with the domain names
9 at issue, will likely cause confusion, mistake, and deception as to the source or origin of the
10 phishing and potentially malicious emails, which originate with Defendant but are likely to
11 be attributed to Whaleco.

12 107. Whaleco does not want to be associated with the Defendants or their associated
13 websites or webpages as it has no control over any of them, including their security.

14 108. Defendants' registration and use of the domain names at issue, along with their
15 respective resultant websites and phishing campaigns which all use, without authorization,
16 the TEMU Marks, will likely dilute the distinctiveness and value of Whaleco's famous
17 TEMU Marks.

18 109. Defendants have acted willfully, in reckless disregard of Whaleco's rights, and
19 in bad faith, as evidenced in part by their obvious copying of Whaleco's famous TEMU
20 Marks. As a direct and proximate result of Defendants' willful actions, Whaleco and its
21 reputation and goodwill has been, and will continue to be, irreparably harmed unless
22 Defendants' unlawful conduct is enjoined.

23 110. Defendants' willful and intentional use of the well-known and famous TEMU
24 Marks to trade on Whaleco's reputation and goodwill is likely to cause dilution of the famous
25 TEMU Marks.

26 111. Defendants' registration and use of the domain names, along with their
27 resultant websites that display, without authorization, the famous TEMU Marks, have
28 damaged and irreparably injured and, if permitted to continue, will further damage and

irreparably injure Whaleco, the TEMU Marks, the TEMU Platform's reputation and goodwill, and the public's interest in being free from confusion, mistake, and deception.

FIRST CLAIM FOR RELIEF
Federal Trademark Counterfeiting Under
Sections 32(1)(b), 34(d) of the Lanham Act, 15 U.S.C. §§ 1114(1)(a), 1116(d)

112. Whaleco repeats and realleges every allegation set forth in each of the preceding paragraphs of this Complaint.

113. Defendants have used and continue to use in commerce a counterfeit of the federally registered TEMU Marks in connection with the advertising of goods or services, which is likely to cause consumer confusion or mistake, or to deceive in violation of Sections 32(1)(a) and 34(d) of the Lanham Act, 15 U.S.C. §§ 1114(1)(a), 1116(d).

SECOND CLAIM FOR RELIEF
Federal Trademark Infringement Under
Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1)

114. Whaleco repeats and realleges every allegation set forth in each of the preceding paragraphs of this Complaint.

115. Without Whaleco's consent, Defendants have used and continue to use in commerce colorable imitations of the registered TEMU Marks, including as part of the domain names' resultant websites and phishing campaigns.

116. Defendants' infringing use of the registered TEMU Marks is likely to cause consumer confusion, mistake, or to deceive, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

THIRD CLAIM FOR RELIEF
Trademark Infringement, False Designation of Origin and Unfair Competition
Under Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 11125(a)(1)(A)

117. Whaleco repeats and realleges every allegation set forth in each of the preceding paragraphs of this Complaint.

118. Defendants' actions described above are likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of Defendants, Defendants' services, and/or Defendants' commercial activities by or with Whaleco, and thus constitute

trademark infringement, false designation of origin, and unfair competition in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

FOURTH CLAIM FOR RELIEF
Trademark Dilution Under
Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)

119. Whaleco repeats and realleges every allegation set forth in each of the preceding paragraphs of this Complaint.

120. The TEMU Marks are famous, as defined in 15 U.S.C. § 1125(c), based on among other things, the inherent distinctiveness and federal registration of the TEMU Marks and the extensive nationwide use, advertising, promotion, and recognition of the TEMU Marks which have become a household name in the United States.

121. The TEMU Marks were famous before Defendants' first infringing use of the Marks.

122. Defendants' actions, as described above, are likely to dilute the distinctive quality of the famous TEMU Marks by blurring and tarnishment in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

FIFTH CLAIM FOR RELIEF
Trademark Infringement and Unfair Competition
Under Arizona Common Law

123. Whaleco repeats and realleges every allegation set forth in each of the preceding paragraphs of this Complaint.

124. The TEMU Marks are protected at common law.

125. Defendants' actions described above are likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of Defendants, Defendants' services, Defendants' commercial activities, and/or the domain names complained of herein by or with Whaleco.

126. Defendants' actions constitute infringement of Whaleco's rights in the TEMU Marks; misappropriation of Whaleco's name, brand, trademarks, reputation, and goodwill in those marks; and unfair competition under Arizona law.

SIXTH CLAIM FOR RELIEF
Trademark Dilution
Under A.R.S. § 44-1448.01

127. Whaleco repeats and realleges every allegation set forth in each of the preceding paragraphs of this Complaint.

128. Based on among other things, the inherent distinctiveness and federal registrations of the TEMU Marks and the extensive nationwide use, advertising, promotion, and recognition of the TEMU Marks, the TEMU Marks are well-known and famous indicators for its TEMU Platform and related services.

129. The TEMU Marks were famous before Defendants' first unlawful use of the TEMU Marks.

130. Defendants acted willfully with intent to trade on Whaleco's reputation and goodwill and to cause dilution of the famous TEMU Marks.

131. Defendants' actions, as described above, are likely to dilute the distinctive quality of the famous TEMU mark by blurring in violation of A.R.S. § 44-1448.01.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Whaleco respectfully demands a trial by jury on all issues properly triable by a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, Whaleco respectfully requests that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief, including the following:

A. An Order declaring that the use and registration of the domain names complained of herein knowingly and willfully infringe the TEMU Marks, dilute the TEMU Marks, and constitute unfair competition, as detailed above.

B. An Order that Defendants' uses of the TEMU mark and logo (including variations) knowingly and willfully infringe the TEMU Marks, dilute the TEMU Marks, and constitute unfair competition, as detailed above.

1 C. An Order requiring Namecheap, Inc. to place the domain names registered with
2 Namecheap, Inc. on hold and lock for the pendency of this litigation.

3 D. An Order requiring Go Daddy, LLC to place the domain names registered with
4 Go Daddy, LLC on hold and lock for the pendency of this litigation.

5 E. An Order requiring Name.com, Inc. to place the domain name registered with
6 Name.com, Inc. on hold and lock for the pendency of this litigation.

7 F. An Order requiring Tucows Domain, Inc. to place the domain name registered
8 with Tucows Domain, Inc. on hold and lock for the pendency of this litigation.

9 G. An Order requiring WorldStream B.V. to place the domain name registered
10 with WorldStream B.V. on hold and lock for the pendency of this litigation.

11 H. An Order requiring Dynadot Inc. to place the domain name registered with
12 Dynadot Inc. on hold and lock for the pendency of this litigation.

13 I. An Order requiring Internet Domain Service BS Corp. to place the domain
14 names registered with Internet Domain Services BS Corp. on hold and lock for the pendency
15 of this litigation.

16 J. An Order requiring Gandi SAS to place the domain name registered with Gandi
17 SAS on hold and lock for the pendency of this litigation.

18 K. An Order requiring Cosmotown, Inc. to place the domain name registered with
19 Cosmotown, Inc. on hold and lock for the pendency of this litigation.

20 L. An Order requiring PDR Ltd. d/b/a PublicDomainRegistry.com to place the
21 domain name registered with PDR Ltd. d/b/a PublicDomainRegistry.com on hold and lock
22 for the pendency of this litigation.

23 M. An Order requiring Namecheap Inc., Go Daddy LLC, Name.com, Inc., Tucows
24 Domain, Inc., WorldStream B.V., Dynadot Inc., Internet Domain Service BS Corp., Gandi
25 SAS, Cosmotown, Inc., and PDR Ltd. d/b/a PublicDomainRegistry.com to disable and cancel
26 the name server information for the domain names registered with each respective registrar,
27 along with any and all resultant, infringing websites so that the respective websites are no
28 longer accessible to Internet users for the pendency of this litigation.

1 N. An Order requiring non-party Internet Service Providers and Server hosts to
 2 disable and cancel the name server information for the domain names and infringing websites
 3 complained of herein so that the domain name and infringing websites are no longer
 4 accessible to Internet users for the pendency of this litigation.

5 O. An Order requiring Namecheap Inc., Go Daddy LLC, Name.com, Inc., Tucows
 6 Domain, Inc., WorldStream B.V., Dynadot Inc., Internet Domain Service BS Corp., Gandi
 7 SAS, Cosmotown, Inc., and PDR Ltd. d/b/a PublicDomainRegistry.com and/or any
 8 associated privacy service to unmask the registrants' identities and reveal all contact
 9 information provided by the registrants when registering the domain names complained of
 10 herein, including the name(s), physical and email address(es), and phone number(s)
 11 associated with ABC Corporations 1-36 and/or John Does 1-36, to be provided to Whaleco
 12 within three (3) business days from the entry of the Order.

13 P. An Order enjoining Jamya Arroyo, Soumen Halder and ABC Corporations 1-
 14 36 and/or John Does 1-36, and their officers, employees, agents, servants, attorneys, and
 15 representatives, and all persons in active concert or participation with any of them:

16 1. From using, registering, or seeking to use or register any name, mark,
 17 trade name, company name, domain name, source identifier, or designation
 18 comprised of or containing the TEMU mark, logo, or any similar term(s) or
 19 design in any manner likely to cause confusion with Whaleco and/or the
 20 TEMU Marks or to otherwise injure Whaleco and/or its goodwill and
 21 reputation;

22 2. From representing, by any means whatsoever, directly or indirectly,
 23 that Defendant, its services/goods, and/or its activities originate from, are
 24 sponsored by, or are associated, affiliated, or connected with Whaleco in any
 25 way;

26 3. From engaging in acts that constitute trademark infringement,
 27 counterfeiting, dilution, false designation of origin, cybersquatting, or unfair
 28

competition that would damage or injure Whaleco's business reputation or damage or dilute the value of the TEMU Marks;

4. From using, linking, transferring, selling, exercising control over, or otherwise owning any domain name that incorporates, in whole or in part, any of the TEMU Marks, or any domain name that is used in connection with any infringing website or webpage;

5. From creating, operating, owning, overseeing, or otherwise exercising control over any infringing website, webpage or parked page embedding, incorporating, including, or otherwise displaying the TEMU Marks, or any version of Whaleco's names in promotion, advertising, or pay per click campaigns; and

6. From assisting, aiding, and/or abetting any other person or business entity in engaging in or performing any of the above activities.

Q. An Order requiring that Defendants immediately retract and destroy all products, packaging, signage, advertisements, promotional materials, stationery, forms, and/or materials and things that contain or bear the TEMU mark or logo, or any other name, mark, trade name, company name, source identifier, or designation that contains or is confusingly similar to or dilutive of the TEMU Marks.

R. An Order directing that, within fifteen (15) days after the entry of the injunction, Defendants file with this Court and serve on Whaleco's attorneys a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction.

S. An Order requiring all third-party payment processors, including but not limited to Visa and Mastercard, along with their related companies and affiliates:

1. Immediately provide information for any and all transactions associated with and/or related to the domain names and resultant websites complained of herein, including those listed in **Exhibit 1** and those owned by Jamya Arroyo, Soumen Halder, ABC Corporations 1-36 and/or John Does 1-36;

2. Immediately identify all payment processing and/or financial accounts and/or sub-accounts associated with the Defendants and related to the domain names and resultant websites complained of herein, including those listed in **Exhibit 1** and those owned by Jamya Arroyo, Soumen Halder, ABC Corporations 1-36 and/or John Does 1-36, and to provide information related to said accounts;

3. Provide information associated with payment processing and/or financial accounts, including both U.S. based and non-U.S. accounts, related to the Defendants, as well as the domain names, and resultant websites complained of herein, including but not limited to the names, addresses, telephone numbers, email addresses, other contact information, account identifiers, account numbers, account balances, and transaction history associated with said accounts;

4. Restrain the transfer of all funds held or received for the benefit of the Defendants herein and immediately divert those restrained funds to a holding account for the trust of the Court; and

5. Provide an accounting of the total funds restrained and identify the financial institution(s), account(s), and sub-account(s) which the restrained funds are related.

T. An Order requiring that Defendants account for and pay to Whaleco all profits arising from Defendants' unlawful acts, and increasing such profits, for payment to Whaleco in accordance with 15 U.S.C. § 1117 and other applicable laws.

U. An Order requiring that Defendants pay statutory damages under 15 U.S.C. § 1117(d), on election by Whaleco.

V. An Order requiring that Defendants pay statutory damages in accordance with 15 U.S.C. § 1117(c) of up to \$2,000,000 for each type of service sold, offered for sale, or distributed by Defendants under the registered TEMU Marks.

1 W. An Order requiring that Defendants pay Whaleco actual damages, in an amount
2 to be determined, caused by the foregoing acts, and trebling such damages in accordance with
3 15 U.S.C. § 1117 and other applicable laws.

4 X. An Order requiring that Defendants pay Whaleco all of Whaleco's litigation
5 expenses, including reasonable attorneys' fees and costs under 15 U.S.C. § 1117 and other
6 applicable laws.

7 Y. An Order requiring that Defendants pay Whaleco punitive damages in an
8 amount to be determined due to the foregoing willful acts.

9 Z. Other relief as the Court may deem appropriate.

10 Dated: January 5, 2024

Respectfully submitted:

11 By: /s/ Robert S. Murphy
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21 *Attorneys for Plaintiff*
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VERIFICATION

I, the undersigned, certify and declare that I have read the foregoing Verified Complaint and know its contents.

I am Corporate Counsel of Whaleco Inc., a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege, that the matters stated in the document described above are true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 4th day of January, 2024.

By: Kathleen Zhang
Kathleen Zhang